

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY McNEIL,	:	
Petitioner,	:	
v.	:	Civil Action No. 05-277J
	:	
THE HONORABLE ANNETTE RIZZO,	:	
Respondent	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on December 8, 2005, docket no. 2, recommending that the petitioner's petition for a writ of habeas corpus be denied without service, and that a certificate of appealability be denied.

The petitioner was notified that pursuant to 28 U.S.C. § 636(b)(1), he had ten days to serve and file written objections to the Report and Recommendation. No objections have been filed, and the time to do so has expired.

After de novo review of the record of this matter, together with the Report and Recommendation, and noting the lack of timely objections thereto, the following order is entered:

AND NOW, this 4<sup>th</sup> day of January, 2006, it is

ORDERED that the petitioner's petition for a writ of habeas corpus is denied. A certificate of appealability is denied. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style. The first name "Kim" is written with a large, stylized "K". The last name "Gibson" is written with a large, stylized "G".

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KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

cc:

Anthony McNeil FK-8759  
S.C.I. Houtzdale  
P.O. Box 1000  
Houtzdale, PA 16698-1000